

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

CRAIG CUNNINGHAM,

Plaintiff,

v.

Civil Action No. 1:16-cv-545 (LO/TCB)

GENERAL DYNAMICS INFORMATION
TECHNOLOGY, INC.,

Defendant.

**DEFENDANT'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER
JURISDICTION AND FAILURE TO JOIN A NECESSARY PARTY**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(7), Defendant General Dynamics Information Technology, Inc., through undersigned counsel, hereby moves to dismiss Craig Cunningham's complaint in the above-captioned action. The grounds for this motion are more fully set forth in the memorandum of law filed simultaneously with this motion.

Dated: July 11, 2016

GENERAL DYNAMICS INFORMATION
TECHNOLOGY, INC.
By counsel

/s/ Attison L. Barnes, III
Attison L. Barnes, III (VA Bar No. 30458)
Scott M. McCaleb (for *pro hac vice*)
Scott D. Delacourt (for *pro hac vice*)
Stephen J. Obermeier (VA Bar No. 89849)
Tracye W. Howard (for *pro hac vice*)
WILEY REIN, LLP
1776 K Street, NW
Washington, DC 20006
Tel: (202) 719-7000
Fax: (202) 719-7049
abarnes@wileyrein.com
sdelacourt@wileyrein.com
smccaleb@wileyrein.com
sobermeier@wileyrein.com
twhoward@wileyrein.com

Neil H. MacBride (Va Bar 79883)
Paul S. Mishkin (*pro hac vice* pending)
DAVIS POLK & WARDWELL LLP
901 15th Street, N.W.
Washington, D.C. 20005
Tel: (202) 962-7000
Fax: (202) 962-7111
neil.macbride@davispolk.com
paul.mishkin@davispolk.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I, Attison L. Barnes, III, hereby certify that on July 11, 2016, I caused a copy of the foregoing to be served via the clerk of the court's CM/ECF system to:

John M. Bredehoft
Sharon Kerk Reyes
KAUFMAN & CANOLES, P.C.
150 W. Main Street, Suite 2100
Norfolk, VA 23510
Telephone: (757) 624-3000
Facsimile: (888) 360-9092
jmbredehoft@kaufcan.com
skreyes@kaufcan.com

Aytan Y. Bellin
BELLIN & ASSOCIATES LLC
50 Main Street, Suite 1000
White Plains, NY 10606
Telephone: (914) 358-5345
Facsimile: (202) 571-0284
aytan.bellin@bellinlaw.com

/s/ Attison L. Barnes, III
Attison L. Barnes, III (Va. Bar No. 30458)
WILEY REIN LLP
1776 K Street, N.W.
Washington, DC 20006
Telephone: (202) 719-7000
Facsimile: (202) 719-7049
E-mail: abarnes@wileyrein.com

Counsel for Defendant